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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Gary D. GLICK, et al.

Application Serial No. 09/700,700

Filed: November 8, 2000

For: **THERAPEUTIC APPLICATIONS  
OF PRO-APOPTOTIC  
BENZODIAZEPINES**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been

cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
  - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
  - c. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(i).
  - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable

inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. Relevance of the non-English language document(s) is discussed in the present specification.

5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.

6. A concise explanation of the relevance of the non-English language document(s) appears below:

7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

8. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0974.

Respectfully submitted,

  
\_\_\_\_\_  
Antoinette F. Konski (Reg. No. 34,202)

Date: December 29, 2000

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## Form PTO-1449

Attorney's Docket No. 128019-203801

Application Serial No. 09/700,101

## INFORMATION DISCLOSURE STATEMENT

Applicant(s)

Gary D. GLICK, et al.

(use several sheets if necessary)

Filing Date: November 8, 2000

Group Art Unit: Unassigned

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)
	1.	02/28/1978	4,076,823	Wade, et al.			
	2.	08/29/1978	4,110,337	Szarvasi			RECEIVED
	3.	01/22/1985	4,495,101	Klaubert, et al.			
	4.	06/14/1988	4,751,223	Glamkowski, et al.			
	5.	08/20/1991	5,041,438	Hsu			
	6.	06/28/1994	5,324,726	Bock, et al.			
	7.	01/28/1997	5,597,915	Chambers, et al.			
	8.	07/07/1998	5,776,946	McGeer, et al.			
	9.	01/19/1999	5,861,380	Gyorkos, et al.			
	10.	12/21/1999	6,004,942	Firestein, et al.			
	11.	06/27/2000	6,080,588	Glick			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
	12.	06/04/2000	WO 00/19200	PCT				

## OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
	13.	Adachi, M., et al., "Aberrant Transcription Caused by the Insertion of an Early Transposable Element in an Intron of the Fas Antigen Gene of <i>lpr</i> Mice," <i>Proc. Natl. Acad. Sci. USA</i> - 90:1756-1760 (1993) ✓
	14.	Adelman, N.E., et al., "Treatment of (NZB X NZW)F1 Disease with Anti-I-A Monoclonal Antibodies," <i>J. Exp. Med.</i> - 158:1350-1355 (1983) ✓
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	16.	Beale, P.J., et al., "BCL-2 Family Protein Expression and Platinum Drug Resistance in Ovarian Carcinoma," <i>British Journal of Cancer</i> - 82(2):436-440 (2000) ✓
	17.	Boojamra, C.G., et al., "Solid-Phase Synthesis of 1,4-Benzodiazepine-2,5-Diones. Library Preparation and Demonstration of Synthesis Generality," <i>J. Org. Chem.</i> - 62:1240-1256 (1997) ✓
	18.	Bunin, B.A., et al., "A General and Expedient Method for the Solid-Phase Synthesis of 1,4-Benzodiazepine Derivatives," <i>J. Am. Chem. Soc.</i> - 114:10997-10998 (1992) ✓
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	21.	Cohen, P.L., et al., "Lpr and gld: Single Gene Models of Systemic Autoimmunity and Lymphoproliferative Disease," <i>Annu. Rev. Immunol.</i> - 9:243-269 (1991) ✓
	22.	Crabtree, R.H., "A New Type of Hydrogen Bond," <i>Science</i> - 282:2000-2001 (1998) ✓
	23.	Desoize, B., "Anticancer Drug Resistance and Inhibition of Apoptosis," <i>Anticancer Research</i> - 14:2291-2294 (1994) ✓

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DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conforma  
not considered. Include a copy of this form with next communication to applicant.

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Form PTO-1449  INFORMATION DISCLOSURE STATEMENT  (use several sheets if necessary)		Attorney's Docket No. 128019-203801  Applicant(s)  Gary D. GLICK, et al.	Application Serial No. 10/8700,101  JAN 8 2001 PCT & TRADEMARK OFFICE JC1
		Filing Date: November 8, 2000	Group Art Unit: Unassigned
<b>OTHER DOCUMENTS (Continuation)</b> (including author, title, date, pertinent pages, etc.)			
24.	Doble, A., et al., "Labelling of Peripheral-Type Benzodiazepine Binding Sites in Human Brain with [ <sup>3</sup> H]PK 11195: Anatomical and Subcellular Distribution," <i>Brain Research Bulletin</i> - 18:49-61 (1987) ✓		
25.	Donadio, J.V., et al., "Immunosuppressive Drug Therapy in Lupus Nephritis," <i>American Journal of Kidney Diseases</i> - 21(3):239-250 (1993) ✓		
26.	Ermak, T.H., et al., "Treatment of Murine Lupus with Monoclonal Antibody to L3T4," <i>Laboratory Investigation</i> - 61(4):447-456 (1989) ✓		
27.	Gallant, J.E., et al., "Incidence and Natural History of Cytomegalovirus Disease in Patients with Advanced Human Immunodeficiency Virus Disease Treated with Zidovudine," <i>The Journal of Infectious Diseases</i> - 166:1223-1227 (1992) ✓		
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33.	Hang, L., et al., "A Spontaneous Rheumatoid Arthritis-Like Disease in MRL/1 Mice," <i>J. Exp. Med.</i> - 155:1690-1701 (1982) ✓		
34.	Horowitz, R.E., et al., "Cyclophosphamide Treatment of Mouse Systemic Lupus Erythematosus," <i>Laboratory Investigation</i> - 21(3):199-206 (1969) ✓		
35.	Itoh, N., et al., "The Polypeptide Encoded by the cDNA for Human Cell Surface Antigen Fas Can Mediate Apoptosis," <i>Cell</i> - 66:233-243 (1991) ✓		
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37.	Korsmeyer, S.J., "Bcl-2 Initiates a New Category of Oncogenes: Regulators of Cell Death," <i>Blood</i> - 80(4):879-886 (1992) ✓		
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39.	Los, M., et al., "The Role of Caspases in Development, Immunity, and Apoptotic Signal Transduction: Lessons from Knockout Mice," <i>Immunity</i> - 10:629-639 (1999) ✓		
40.	Luria, et al., "General Virology - 3 <sup>rd</sup> edition, pp. 436-446 (1978) - Eds. John Wiley & Sons, New York ✓		
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(use several sheets if necessary)

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Group Art Unit: Unassigned

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